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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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11 ARISTA RECORDS, LLC, a Delaware
12 limited liability company; et al.,

13 Plaintiffs,

14 vs.

15 MYXER INC., f/k/a/ mVISIBLE
16 TECHNOLOGIES, INC. and DOES 1-
10, inclusive,

17 Defendants.
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Case No. CV 08-03935 GAF(JCx)

Hon. Gary A. Feess

**[PROPOSED] ORDER GRANTING
STIPULATION OF DISMISSAL OF
ALL CLAIMS OF PLAINTIFF UMG
RECORDINGS, INC. WITH
PREJUDICE AS TO MICHAEL
"MYK" WILLIS, SCOTT KINNEAR
AND RON HARRIS AND WITHOUT
PREJUDICE AS TO MYXER INC.,
BUT RETAINING JURISDICTION
PENDING DISMISSAL OF MYXER
INC. WITH PREJUDICE**

1 Upon consideration of the parties' Joint Stipulation of Dismissal of All Claims
2 of Plaintiff UMG Recordings, Inc. ("UMG") With Prejudice as to Michael "Myk"
3 Willis, Scott Kinnear and Ron Harris and Without Prejudice as to Myxer Inc. (the
4 "Stipulation"), and good cause appearing therefore,

5 IT IS HEREBY ORDERED THAT:

6 (1) UMG's claims against Myk Willis, Scott Kinnear and Ron Harris are
7 dismissed with prejudice pursuant to Fed.R.Civ.Pro. 41(a), without costs or
8 attorneys' fees to UMG and/or Defendants and with none of UMG and/or
9 Defendants as a prevailing party;

10 (2) Myxer Inc. shall be dismissed without prejudice pursuant to Fed.R.Civ.Pro.
11 41(a), without costs or attorneys' fees to UMG and/or Defendants and with
12 none of UMG and/or Defendants as a prevailing party. The Court shall
13 retain jurisdiction for the limited purpose of allowing the parties to file a
14 subsequent second stipulation, on or about ninety-one days following the
15 filing of the Stipulation, dismissing Myxer Inc. with prejudice upon the
16 occurrence of certain contractual conditions between the parties, as set forth
17 in the Stipulation.

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19 Dated: _____

20 Hon. GARY A. FEES
21 U.S. District Court Judge
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